

ESTTA Tracking number: **ESTTA596136**

Filing date: **04/02/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	85657527
Applicant	Sony Mobile Communications AB
Applied for Mark	XPERIA
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Submission	Applicant's Motion to Suspend
Attachments	XPERIA -- Applicant's Request for Suspension.pdf(9571 bytes)
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Date	04/02/2014

*In re Sony Mobile Communications
AB*

Mark: **XPERIA**
Application Serial No.: 85/657,527
Examining Attorney: Nicholas A. Coleman, Esq.
Law Office: 115

Applicant's Request for Suspension

On April 2, 2014, Applicant timely filed a notice of appeal with the Board and the Board instituted the appeal. Applicant now respectfully requests that the Board suspend the appeal.

The Examining Attorney has refused registration on the ground there is a likelihood of confusion between Applicant's mark and three registered marks identified below:

1. Registration No. 3,564,875 for the mark EXPERIA, owned by Tandberg ASA;
2. Registration No. 4,030,262 for the mark EXPERIA, owned by Mr. Gareth Alexis Watson Jones (a UK individual); and
3. Registration No. 4,236,360 for the mark XPERIA, owned by Online Data Systems, Inc.

The first-cited registration above, Registration No. 3,564,875, issued on January 20, 2009, meaning that its Section 8 affidavit of continued use is due between January 20, 2014 and January 20, 2015 (or July 20, 2015, including the grace period). The 5th anniversary of this

registration's issuance having passed, Applicant respectfully submits good cause for suspension of the appeal exists:

If an applicant requests suspension based on the possibility that the cited registration may be cancelled for failure to file an affidavit of continued use, the Board will grant such request if the Board acts on the request after the 5th anniversary of the issue date of the registration.

T.B.M.P. § 1213 (2013).

For the foregoing reasons, Applicant respectfully requests that the Board suspend the appeal.

Respectfully submitted,

Date: April 2, 2014

/Michael E. Hall/

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